

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
) Case No. 1:06-CR-05-02
v.)
)
) Chief Judge Curtis L. Collier
)
WILLARD WAYNE HOWARD)

O R D E R

On August 29, 2007, United States Magistrate Judge Susan K. Lee (“magistrate judge”) filed a Report and Recommendation (“R&R”) (Court File No. 153) recommending (1) the Court deny the remaining aspect of defendant Willard Wayne Howard’s (“Defendant”) motion to suppress evidence discovered in the search of his Chevrolet Suburban; and (2) the Court deny Defendant’s motion to suppress evidence discovered in the search of the property at 15712 Carlisle Road, Crittenden, Kentucky. Neither party has filed an objection to the R&R within the given ten days.

After Defendant filed a motion to suppress evidence discovered during the search of his vehicle (Court File No. 50), the Court referred the motion to the magistrate judge (Court File No. 52). The magistrate judge issued an R&R, which recommended granting Defendant’s motion to suppress (Court File No. 78). The Court partially adopted and accepted the R&R, and granted-in-part Defendant’s motion to suppress as it relates to any incriminating statements Defendant made (Court File No. 90). However, the Court referred Defendant’s motion to suppress back to the magistrate judge to determine if the independent source or inevitable discovery doctrines applied to evidence seized from the Chevrolet Suburban (Court File No. 90). The Court issued a memorandum with its Order (Court File No. 89). Defendant subsequently filed motions to suppress

evidence found in the search of property at 15712 Carlisle Road, Crittenden, Kentucky (Court File Nos. 84 & 109), which the Court also referred to the magistrate judge (Court File No. 88). The magistrate judge filed the instant R&R addressing both issues.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact and conclusions of law. Therefore, the Court **ACCEPTS** and **ADOPTS** the R&R (Court File No. 153) pursuant to 28 U.S.C. § 636(b)(1), and **ORDERS** as follows:

- (1) Defendant's motion to suppress is **DENIED-IN-PART**, as it relates to the evidence discovered in the Chevrolet Suburban (Court File No. 50);
- (2) Defendant's motion to suppress evidence located in the search of the property at 15712 Carlisle Road, Crittenden, Kentucky is **DENIED** (Court File Nos. 84 & 109).

SO ORDERED.

ENTER:

/s/

CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE